

ESTTA Tracking number: **ESTTA764708**

Filing date: **08/16/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91227887
Party	Plaintiff IMAX Corporation
Correspondence Address	CHRISTOPHER P BUSSERT KILPATRICK TOWNSEND & STOCKTON LLP 1100 PEACHTREE STREET SUITE 2800 ATLANTA, GA 30309 UNITED STATES cbussert@ktslaw.com, kteilhaber@ktslaw.com, tadmin@ktslaw.com, cbussert@kilpatricktownsend.com
Submission	Opposition/Response to Motion
Filer's Name	Christopher P. Bussert
Filer's e-mail	cbussert@ktslaw.com, kteilhaber@ktslaw.com, tadmin@ktslaw.com
Signature	/Christopher P. Bussert/
Date	08/16/2016
Attachments	OPPOSERS OPPOSITION TO APPLICANTS MOTION.PDF(268212 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the matter of Application Serial No. 86/675,025; IMAXPLUS and Design; Published in the Official Gazette of January 26, 2016; TM 1805

IMAX CORPORATION,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91/227887
)	
Shenzhen Auto-Vox Technology)	
Co. Ltd.,)	
)	
Applicant.)	

**OPPOSER'S OPPOSITION TO APPLICANT'S
MOTION FOR RELIEF FROM ENTRY OF JUDGMENT**

Opposer hereby opposes the document filed by Applicant Shenzhen Auto-Vox Technology Co. Ltd. entitled "The Reasons for Default", which the Board has apparently construed as a Motion for Relief from Entry of Judgment.

Opposer filed its Notice of Opposition on May 11, 2016. Applicant was advised by the Board on May 16, 2016 of the relevant deadlines in this matter including its time to file an Answer, which was set for June 25, 2016. When no Answer was timely filed by Applicant, the Board on July 5, 2016 issued a Notice of Default. Therein, Applicant was advised that it would be allowed until thirty (30) from the mailing date of the Notice of Default (e.g., August 4, 2016) to show cause why judgment by default should not be entered against Applicant.

It is undisputed that Applicant failed to respond to the Board's Notice of Default within the time outlined therein. Rather, on August 9, 2016, five (5) days after the expiration of the thirty (30) day period outlined in the Notice of Default, Applicant filed a document entitled

“The Reasons for Default”. TBMP 312.03 provides that a Notice of Default may be set aside only upon a showing of good cause. In this case, Applicant’s document fails to provide any showing of good cause for its failure to file its original Answer timely or to respond timely to the Notice of Default. Because Applicant has failed to file an Answer timely **and** to respond to the Board’s July 5, 2016 Order **and** to provide good cause for setting aside the default, Opposer respectfully requests that the entry of default not be set aside and that a default judgment be entered in due course.

Dated: August 16, 2016

Respectfully submitted,

IMAX CORPORATION

By


Christopher P. Bussert

KILPATRICK TOWNSEND & STOCKTON LLP

1100 Peachtree Street, Suite 2800

Atlanta, Georgia 30309-4530

Telephone: (404) 815-6500

Facsimile: (404) 815-6555

cbussert@kilpatricktownsend.com

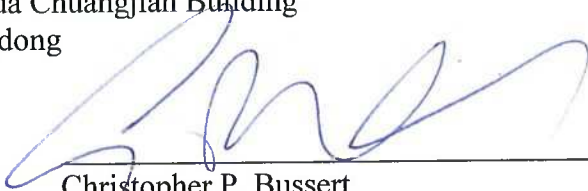
Attorneys for Opposer

IMAX Corporation

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing OPPOSER'S OPPOSITION TO APPLICANT'S MOTION FOR RELIEF FROM ENTRY OF JUDGMENT was served on Applicant's correspondent as identified in the correspondence address of record on August 16, 2016 via Air Mail to:

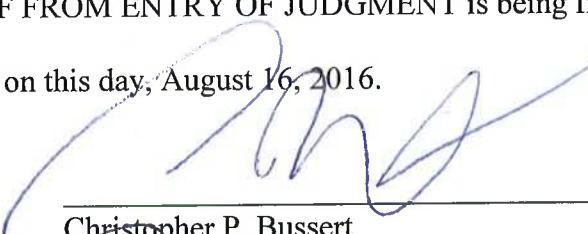
Rainbow
Shennan Road, Futian District
Room 811, Yaohua Chuangjian Building
Shenzhen, Guangdong
China



Christopher P. Bussert
Attorney for Opposer
IMAX Corporation

CERTIFICATE OF TRANSMITTAL

I hereby certify that a true copy of the foregoing OPPOSER'S OPPOSITION TO APPLICANT'S MOTION FOR RELIEF FROM ENTRY OF JUDGMENT is being filed electronically with the PTO via ESTTA on this day, August 16, 2016.



Christopher P. Bussert
Attorney for Opposer
IMAX Corporation